



**University of
Zurich**^{UZH}

**Zurich Open Repository and
Archive**

University of Zurich
University Library
Strickhofstrasse 39
CH-8057 Zurich
www.zora.uzh.ch

Year: 2009

**Male and female inheritance: property devolution, succession, and credit in
late medieval nobilities in the Southwest of the Holy Empire**

Teuscher, Simon

Posted at the Zurich Open Repository and Archive, University of Zurich

ZORA URL: <https://doi.org/10.5167/uzh-27363>

Book Section

Published Version

Originally published at:

Teuscher, Simon (2009). Male and female inheritance: property devolution, succession, and credit in late medieval nobilities in the Southwest of the Holy Empire. In: Cavaciocchi, S. La famiglia nell'economia europea, secc. XIII-XVIII. Firenze: Firenze University Press, 599-618.

ESTRATTO

PRESIDENTE DELLA FONDAZIONE: PIETRO VESTRI

Vice Presidente: Irene Sanesi

Segretario generale: Giampiero Nigro

Comitato scientifico

Presidente:

Wim Blockmans

Vicepresidenti:

Michele Cassandro, Miguel Ángel Ladero Quesada

Direttore scientifico:

Giampiero Nigro

Giunta esecutiva:

Wim Blockmans, Giorgio Borelli, Bruce M.S. Campbell, Michele Cassandro,
Murat Çizakça, Antonio Di Vittorio, Laurence Fontaine, Alberto Grohmann,
Miguel Ángel Ladero Quesada, Giampiero Nigro, Michael North, Adam
Manikowski, Paola Massa, John Munro

Altri membri del Comitato scientifico:

Erik Aerts, Michel Balard, Maxine Berg, Marco Cattini, Giovanni Cherubini,
Markus A. Denzel, Tommaso Fanfani, Antonia Ida Fontana, Gerhard Fouquet,
Luciana Frangioni, Alberto Guenzi, Paulino Iradiel Murugarren, Sergej Pavlovič
Karpov, Paul Klep, Chryssa Maltezou, Anthony Molho, W. Mark Ormrod, Paola
Pierucci, Claudio Rotelli, Diana Toccafondi, Michael Toch, François Walter,
Giovanni Zalin

Comitato d'Onore

Maurice Aymard, Jean-François Bergier, Philippe Contamine, Mario Del
Treppo, Aldo De Maddalena, Domenico Demarco, Arnold Esch, Jean Favier,
Richard Goldtwhaite, Elio Lodolini, Rosalia Manno Tolu, Peter Mathias,
Giorgio Mori, Giuseppe Pansini, Hans Pohl, Carlo Poni, Henryk Samsonowicz,
Christopher Smout, Jean-Pierre Sosson, Rolf Sprandel, Ugo Tucci, Hermann
van der Wee, Valentín Vázquez de Prada, Immanuel Wallerstein

FONDAZIONE
ISTITUTO INTERNAZIONALE DI STORIA ECONOMICA “F. DATINI”
PRATO

Serie II – Atti delle “Settimane di Studi” e altri Convegni
40

LA FAMIGLIA
NELL'ECONOMIA EUROPEA
SECC. XIII-XVIII

THE ECONOMIC ROLE OF THE FAMILY
IN THE EUROPEAN ECONOMY
FROM THE 13TH TO THE 18TH CENTURIES

Atti della “Quarantesima Settimana di Studi”
6-10 aprile 2008

a cura di Simonetta Cavaciocchi

Firenze University Press
2009

La famiglia nell'economia europea. Secc. XIII-XVIII = The Economic Role of the Family in the European Economy from the 13th to the 18th Centuries : atti della "Quarantesima settimana di studi", 6-10 aprile 2008 / a cura di Simonetta Cavaciocchi. – Firenze : Firenze University Press, 2009. (Atti; 20)

<http://digital.casalini.it/9788884539113>

ISBN 978-88-8453-911-3 (online)

ISBN 978-88-8453-910-6 (print)

343 (20 ed.)

La Settimana di Studi è stata realizzata con il contributo di:
Ministero per i Beni e le Attività Culturali

La pubblicazione del presente volume è stata realizzata con il contributo di:
Ministero per i Beni e le Attività Culturali

La Fondazione Datini si dichiara fin d'ora disponibile ad assolvere i suoi obblighi per l'utilizzo delle immagini contenute nel volume nei confronti di eventuali aventi diritto.

© 2009 Firenze University Press

Università degli Studi di Firenze
Firenze University Press
Borgo Albizi, 28
50122 Firenze, Italy
<http://www.fupress.com/>

Printed in Italy

INDICE

Domenica 6 aprile – APERTURA DEI LAVORI

| | | |
|--|------|---|
| WIM BLOCKMANS, Presidente del Comitato scientifico | pag. | 3 |
| CARLO A. CORSINI, La famiglia: storia, demografia e che altro? | » | 5 |

Lunedì 7 aprile – IL PATRIMONIO FAMILIARE E LE SUE FORME DI TRASMISSIONE NEL MONDO NOBILIARE E IN QUELLO CONTADINO / THE FAMILY HERITAGE AND FORMS OF TRANSMISSION IN THE NOBLE WORLD AND IN THE WORLD OF FARMING
LA FAMIGLIA NOBILIARE E IL MONDO CONTADINO / THE NOBLE FAMILY AND THE WORLD OF FARMING

Relazioni

| | | | | |
|---|--|--|------|-----|
| KARL-HEINZ SPIEB, Safeguarding Property for the Next Generations: Family Treaties, Marriage Contracts and Testaments of German Princely Dynasties in the Later Middle Ages (14 th -16 th Centuries) | | | pag. | 23 |
| MARCO CATTINI, MARZIO ACHILLE ROMANI, Legami di sangue: relazioni politiche, matrimoni e circolazione della ricchezza nelle casate sovrane dell'Italia centro-settentrionale nei secoli XV-XVIII (ricerche in corso) | | | » | 47 |
| FRANCISCO CHACON JIMENEZ, Patrimoine et mariage. Systèmes héréditaires et transformations sociales dans l'Europe méditerranéenne (XV ^e -XVIII ^e siècles) | | | » | 69 |
| PAOLA LANARO, GIAN MARIA VARANINI, Funzioni economiche della dote nell'Italia centro-settentrionale (tardo medioevo/ inizi età moderna) | | | » | 81 |
| ADAM MANIKOWSKI, Le grandi imprese aristocratiche nell'Europa del Seicento. I Condé, Radziwiłł e Strozzi | | | » | 103 |

Comunicazioni:

| | | | | |
|---|--|--|------|-----|
| MARIA KOCZERSKA, Entre le château et le petit manoir - les différents modèles de vie de la famille noble polonaise aux XIV ^e et XV ^e siècles..... | | | pag. | 125 |
| M ^a CONCEPCIÓN QUINTANILLA RASO, Il patrimonio nobiliare e la sua trasmissione. Strumenti giuridici e strategie socio-economiche nella Castiglia del XV secolo | | | » | 133 |
| MANUEL VAQUERO PIÑEIRO, Patrimoni agricoli e redditi familiari nello Stato della Chiesa nel XVI secolo | | | » | 141 |
| MICHELA BARBOT, Di case in casate. Le modalità di gestione e trasmissione dei patrimoni immobiliari delle famiglie milanesi nei secoli XVI-XVIII) | | | » | 153 |

Martedì 8 aprile – IL PATRIMONIO FAMILIARE E LE SUE FORME DI TRASMISSIONE NEL MONDO NOBILIARE E IN QUELLO CONTADINO / THE FAMILY HERITAGE AND FORMS OF TRANSMISSION IN THE NOBLE WORLD AND IN THE WORLD OF FARMING
LA FAMIGLIA NOBILIARE E IL MONDO CONTADINO / THE NOBLE FAMILY AND THE WORLD OF FARMING

Relazioni

- GIOVANNI ROSSI, I fedecommessi nella dottrina e nella prassi giuridica di ius commune tra XVI e XVII secolo.....pag. 175
MARIA LUISA FERRARI, GLORIA VIVENZA; Tutelare la famiglia: conservazione o incremento del patrimonio. Percorsi sei-settecenteschi italiani e inglesi..... » 203

Comunicazioni

- ELIE HADDAD, Parenté, transmission et économie domestique dans la noblesse française au XVII^e siècle : l'exemple des Crevant d'Humièrespag. 243
MARIA MUREȘAN, Norms and Law Practice for Preservation of Family Wealth in the Orthodox World. Dowries and Wills in Moldavia and Wallachia in the 18th Century..... » 257
ALESSANDRA TESSARI, Forme e strategie dei trasferimenti a titolo gratuito del patrimonio familiare in una città pugliese. Monopoli 1721-1740..... » 267

Martedì 8 aprile – CONQUISTA E CONTROLLO DELLA PRODUZIONE: LA FAMIGLIA ARTIGIANA / CONQUEST AND CONTROL OF PRODUCTION: FAMILIES OF CRAFTSMEN

Relazioni

- MIGUEL JOSÉ DEYÁ BAUZÁ, Gremios y familias artesanas en España. La producción de bienes de consumo (siglos XVI-XVIII).....pag. 279
GIOVANNA DA MOLIN, ANGELA CARBONE, Gli artigiani nel Mezzogiorno d'Italia nel XVIII secolo: modelli differenziali della famiglia, del matrimonio e del controllo degli assetti produttivi..... » 305

Comunicazioni

- ROSER SALICRÚ I LLUCH, Slaves in the Professional and Family Life of Craftsmen in the Late Middle Agespag. 325
† MICHAEL MENDE, Transcending Guild Boundaries and Becoming Entrepreneurs of Political Impact. Families of the 18th-Century Thuringian and Hanoverian Woollen Trades..... » 343
LOREDANA PANARITI, Famiglie nello spazio. Strategie familiari e percorsi di vita degli artigiani del settore serico tra domini asburgici e veneziani (sec. XVIII)..... » 355

Mercoledì 9 aprile – CONQUISTA E CONTROLLO DEL MERCATO: LA FAMIGLIA MERCANTILE / CONQUEST AND CONTROL OF THE MARKET: THE MERCHANT FAMILY

Relazioni

- MARKUS A. DENZEL, The Merchant Family in the “Oberdeutsche Hochfinanz” from the Middle Ages up to the Eighteenth Centurypag. 365
GIOVANNI CECCARELLI, Dalla Compagnia medievale alle Compagnie assicuratrici: famiglie mercantili e mercati assicurativi in una prospettiva europea (secc. XV-XVIII)..... » 389

| | |
|---|-----|
| OLGA KATSIARDI-HERING, Christian and Jewish Ottoman Subjects: Family, Inheritance and Commercial Networks between East and West (17 th – 18 th C.)pag. | 409 |
| GIGLIOLA PAGANO DE DIVITIIS, Il ruolo economico della famiglia tra produzione e consumo: la “Levant Company” e il Mediterraneo nel Seicento..... » | 441 |

Comunicazioni

| | |
|--|-----|
| HARM VON SEGGERN, Die führenden Kaufleute in Lübeck, ca. 1500.....pag. | 457 |
| ANDREA ZANINI, Famiglia e affari nella Genova del Seicento: il ruolo delle “compagnie di fratria” » | 471 |
| JUAN E. GELABERT, Los Spínola en Flandes al servicio de Felipe III (1598-1607) » | 481 |
| MARIA CIEŚLA, The Jewish Economic Elite in the Great Duchy of Lithuania in the 17 th and 18 th Century..... » | 497 |
| ALBERTO GUENZI, Mercanti senza archivio. La ricostruzione dell'attività produttiva e del patrimonio di famiglie imprenditoriali tra seta, terra e finanza (Bologna, dalla fine del Seicento al primo Ottocento)..... » | 509 |
| LUIGI LORENZETTI, Controllo del mercato, famiglie e forme imprenditoriali tra le élite mercantili sudalpine, dalla fine del Cinquecento al Settecento » | 517 |
| CRISTIAN LUCA, La gestione familiare degli affari mercantili nel commercio internazionale riguardante l'area del Basso Danubio durante il XVII secolo: la fortuna dei Vevelli, dei Locadello e dei Pepanos » | 527 |

Giovedì 10 aprile – IL DIVERSO RUOLO ECONOMICO DEI MASCHI E DELLE FEMMINE NEI CONTESTI FAMILIARI / THE DIFFERENT ECONOMIC ROLES OF MEN AND WOMEN IN THE CONTEXT OF THE FAMILY

Relazioni

| | |
|---|-----|
| VANESSA HARDING, Working Wives and Economic Growth ; Urban Families in the Pre-Industrial Erapag. | 545 |
| M ^a DEL CARMEN GARCÍA HERRERO, La contribución de las mujeres a la economía de las familias dedicadas a actividades no agrarias en la Baja Edad Media española » | 569 |
| SIMON TEUSCHER, Male and Female Inheritance. Property Devolution, Succession, and Credit in Late Medieval Nobilities in the Southwest of the Holy Empire..... » | 599 |
| ROBERT DESCIMON, La fortune des Parisiennes : l'exercice féminin de la transmission (XVI ^e -XVII ^e siècle) » | 619 |

Comunicazioni

| | |
|--|-----|
| THIJS LAMBRECHT, Peasant Labour Strategies and the Logic of Family Labour in the Southern Low Countries during the 18 th Century.....pag. | 637 |
| TINE DE MOOR, JAN LUITEN VAN ZANDEN, JACO ZUIJDERDIJN, Micro-Credit in Late Medieval Waterland. Households and the Efficiency of Capital Markets in Edam en De Zeevang, 1462-1563..... » | 651 |
| CAYETANO FERNÁNDEZ ROMERO, Una estimación de la diferencia salarial entre hombres y mujeres en un área rural y en otra urbana. Navarra (1530-1820). » | 669 |
| MONICA MARTINAT, Mogli, madri, sorelle : il ruolo delle donne nella formazione e nella salvaguardia dei patrimoni delle famiglie protestanti di Lione nel Seicento » | 683 |
| MICHEL NASSIET, La division sexuelle du travail dans les campagnes de l'Ouest de la France au XVI ^e siècle » | 695 |

| | |
|--|-----|
| AMELIA POLONIA, Women's Participation in Labour and Business in the European Maritime Societies in the Early Modern Period. A Case Study (Portugal. 16 th Century).....pag. | 705 |
| FRANÇOIS-JOSEPH RUGGIU, Les femmes des <i>middling sorts</i> et la transmission de l'entreprise familiale dans l'Angleterre du long XVIII ^e siècle..... » | 721 |
| ARIADNE SCHMIDT, The Economic Role of Women in Family-based Production in the Dutch Republic » | 739 |
| Abstracts..... » | 751 |

Simon Teuscher

Male and Female Inheritance. Property Devolution, Succession, and Credit in Late Medieval Nobilities in the Southwest of the Holy Empire

Introduction

On a summer day in the year 1445, a strange carriage left Geneva, clattered through the city gate and set out for Heidelberg. No less than thirty-six armed knights escorted a chunky cart, which was so heavy that it took six horses to draw it, while another five had to be kept ready to pull it uphill. The cart was charged with large parts of the gold and silver treasures of the dukes of Savoy. With this wagonload, Louis of Savoy wanted to contribute to the dowry of his sister Margret who had married Louis of the Palatinate.¹ The two families had previously agreed on the sum of 125,000 Rhenish Guilder that was to be bestowed upon the bride. This was a very impressive amount, even if, as one might suspect, this included both Margaret's dowry and trousseau. By way of comparison: the Dukes of Habsburg impawned the medium-sized city of Winterthur for 10,000 Guilder at a fraction of Margaret's dowry.²

What Louis had loaded onto his carriage was no more than a first instalment, not even five percent of the total amount he owed his sister and her new husband. Just to get this far, Louis had obviously done his utmost and had fetched about all there was in the family's treasure room in the basement of the monastery of Plainpalais in Geneva. He had packed the carriage not only with bags of gold coins, but also with silver coins, jewelry, dozens of cups, pieces of handicraft such as life-size silver swans, and even the crown Louis' father Amadeo had worn before becoming counter-pope Felix. Altogether, this was a sumptuous start to a family quarrel that was to last.³

This article examines flows of liquid assets within and among late medieval noble families of the Southwest of the Holy Empire. I will advocate intensified research into the circulation of coins, jewelry, silverware, and certificates of debt within and among families, in particular in connection with weddings and deaths. Historical studies frequently mention individual transactions of this kind. In my opinion, however, intra-familial flows of liquid assets deserve *systematic* attention in discussions about the organization of families – given that such flows frequently

¹ E. CORNAZ, *Le mariage palatin de Marguerite de Savoie (1445-1449)*, 1932 (Mémoires et documents publiés par la Société d'histoire de la Suisse Romande 2 Serie 15), pp. 39-41.

² E. EUGSTER, *Die Entwicklung zum kommunalen Territorialstaat*, in: *Geschichte des Kantons Zürich*, 1, *Frühzeit bis Spätmittelalter*, ed. N.F. & M. FLÜELER-GRAUWILER, Zurich 1996, pp. 299-335, here 316.

³ E. CORNAZ, *Le mariage palatin*, cit.

determined how relationships were constituted, reshaped, or broken. Historians have long had a one-sided interest in the nobility's immovable property, in land, castles, towns, and territories, and in how they were passed on from fathers to sons. Scholars usually have such patrilineal houses, or dynasties in mind, when referring to medieval noble families. Looking into liquid assets, however, raises questions about the dynamics of a wide array of additional kin relationships, many of which have so far been neglected. Liquid assets did not only flow along male lines of succession, but also between fathers and daughters, between brothers and sisters, as well as between aunts or uncles and their nephews and nieces.⁴

The present article is only in part based on in-depth examinations of primary sources and mainly draws on material from specialized publications on the subject of medieval nobility. Although such studies rarely focus explicitly on the intra-familial flow of property, they cannot do so without any mention at all. The literature considered comprises monographs – including some rather dated, but factually accurate ones – on individual families, studies on family organization and the gender structure of noble families, as well as research into hereditary and marital property laws. Of particular interest are material that focuses on the practical application of relevant legal norms, and finally investigations into how the nobility dealt with financial credits. The main focus is on territories north of the Alps covering today's Southern Germany, Switzerland and French Savoy and adjacent areas. As the current understanding of how the nobility dealt with liquid assets is not developed well enough yet to allow us to pinpoint unambiguous distinctions between different groups of nobility, the focus is on higher nobility as well as on ministerial nobles. The urban patriciate, however, as far as it can be clearly delimited from the latter two groups, has been left out of this investigation.⁵

This article aims less at presenting incontrovertible findings, than at suggesting possible new investigative directions and research perspectives regarding the organizational structure and asset trading of noble families. The article is subdivided into three parts. First there are some preliminary remarks on the historiography of family organization among medieval nobility. Until recently, research into medieval nobilities has been very much based on the assumption of a decidedly patrilineal kinship structure in Europe's late medieval nobility. The predominance of patrilinearity has lately been the subject of critical discussion, which has opened entirely new perspectives. The second part of the article tries to demonstrate how the flow of liquid assets structured relationships – within families, among families and even beyond kinship relationships. The third and final part is a sketch of a few areas of research where closer inquiries into intrafamilial flows of assets appear particularly promising.

⁴ For recent approaches to the two latter sets of relationships: S. RUPPEL, *Verbündete Rivalen. Geschwisterbeziehungen im Hochadel des 17. Jahrhunderts*, Köln 2006; Tanten, ed. M. HOHKAMP in: "Werkstatt Geschichte", 46, 2007, pp. 3-54.

⁵ On the region's nobility in general: B. ANDENMATTEN, *La maison de Savoie et la noblesse vaudoise (XIII^e-XIV^e s.)*. *Supériorité féodale et autorité princière*, Lausanne 2005; *Grafen und Herren in Südwestdeutschland vom 12. bis ins 17. Jahrhundert*, ed. K. ANDERMANN, Epfendorf 2006; R. SABLONIER, *Adel im Wandel. Eine Untersuchung zur sozialen Situation des ostschweizerischen Adels um 1300*, Zurich 2000 (1st ed. 1979).

Towards a new understanding of patrilineal family structures

Since the beginnings of historical kinship research, patrilineal structures have been considered particularly characteristic for traditional societies. They kept attracting the curiosity of researchers, possibly also because they lent themselves to being seen as exotic. This was certainly the case in the 19th century, when scholars such as Riehl and LePlay studied rural kinship structures.⁶ For them – as well as for later historians – patrilineality was linked to particularly stable and tight family groups which succeeded in passing on “tradition-imbued objects” such as farms, castles and entire territories undivided from one generation to the next. The capacity of these groups to perpetuate traditions was assumed to result from their rigid internal hierarchies and their systematic mechanisms of privileging males over females. Sociologists’ modernization theories and historians’ concepts of development are both built upon the idea that such rigid family organization was necessary to maintain order and stability in societies without state.⁷ It was not until recently that an increasing number of studies in social and gender history have begun to question the idea that patrilineal family structures compensated for the absence of statehood. This has given rise to numerous new questions about intra-familial circulation of assets, and in a more general sense, about patterns of interaction among kin in late medieval nobilities.

Let us start with some thoughts regarding the current discussion on patrilineality in the Middle Ages. Historical kinship research is ultimately still engaged in a debate of the theses formulated by George Duby in the 1960s. Duby’s ideas, which were a more poignant elaboration of conjectures first put forward by the German Karl Schmid, may be summarized as follows.⁸ Within the nobility of Western Europe, the 12th century saw the transition from a bilateral kinship organization to a patrilineal one. While kinship and its concomitant inheritance claims had been equally handed down on both the maternal and the paternal side in the old system, they were exclusively passed on from fathers to sons in the new one – similarly to the handing down of family names in most parts of Western Europe

⁶ W. H. RIEHL, *Die Familie*, Stuttgart 1861; F. LE PLAY, *La réforme sociale en France déduite de l’observation comparée des peuples européens*, 2 vols. Paris 1864.

⁷ Cf. S. BRAKENSIEK, *Generationengerechtigkeit? Normen und Praxis im Erb- und Ehegüterrecht 1500-1800. Eine Einführung*, in: *Generationengerechtigkeit? Normen und Praxis im Erb- und Ehegüterrecht 1500-1850*, ed. S. BRAKENSIEK, M. STOLLEIS, H. WUNDER, Berlin 2006 (*Zeitschrift für Historische Forschung*, Beihefte 37), pp. 1-21, here p. 1; O.G. OEXLE, *Les groupes sociaux du moyen âge et les débuts de la sociologie contemporaine*, in: „*Annales ESC*“, 1992, pp. 751-765; S. TEUSCHER, *Bekannte - Klienten - Verwandte. Sozialität und Politik in der Stadt Bern um 1500*, Cologne 1998 (*Norm und Struktur. Studien zum sozialen Wandel in Mittelalter und früher Neuzeit* 9), pp. 2-10.

⁸ G. DUBY, *Structures familiales aristocratiques en France du XI^e siècle en rapport avec les structures de l’État*, in: *L’Europe aux IX^e et XI^e siècles: Aux origines des États nationaux*, ed. T. MANTEUFFEL, A. GIEYSZTOR, Warschau 1968, pp. 57-62; ID., *Lignage, noblesse et chevalerie au XII^e siècle dans la région mâconnaise. Une révision*, in: „*Annales ESC*“, 27, 1972, col. 803-823; K. SCHMID, *Zur Problematik von Familie, Sippe und Geschlecht, Haus und Dynastie beim mittelalterlichen Adel. Vorfragen zum Thema „Adel und Herrschaft im Mittelalter“*, in: „*Zeitschrift für Geschichte des Oberrheins*“, 105, 1957, pp. 1-62. Cf. D. MERTENS, TH. ZOTZ, *Einleitung der Herausgeber*, in: *Karl Schmid. Geblüt, Herrschaft, Geschlechterbewusstsein: Grundfragen zum Verständnis des Adels im Mittelalter. Aus dem Nachlass herausgegeben*, ed. IDEM, Sigmaringen 1998, (*Vorträge und Forschungen* 44), pp. IX-XXXIII.

until very recently. Within the old system, identical claims to the parental estate had, in principle, been the due of all sons and daughters. Within the new patrilineal arrangement, however, only sons were admitted as heirs; in the radicalized concept of primogeniture this was even further narrowed down to the first-born son exclusively.

Duby related this transformation to the feudal fragmentation of public power in the aftermath of the collapse of the Carolingian Empires. In the 11th century in particular, after the disintegration of the early medieval empires in the West and before the emergence of the new, late medieval forms of territorial power, local counts and seigneurs no longer considered themselves accountable to any central authority. Instead they appropriated royal rights of taxation and jurisdiction, and used these to establish autonomous local lordships. In this situation, Duby argued, patrilineal patterns of family organization helped prevent small seigneuries from becoming ever smaller through divisions. Beyond this, patrilineal families became an important organizing principle of society. While inheriting sons perpetuated their fathers' social position, the excluded ones descended socially, unless they made their luck serving other lords in warfare. They became the stock of recruitment of chivalry and the crusades. The daughters, they too excluded from inheritance, often married socially inferior retainers of their fathers. They thus founded new families that stood in a patron client relationship to their families of origin.⁹ According to Duby, patrilineal family organization thus operated as the mechanism generating both the coherence and the hierarchy of feudal society.

Does Duby's model explain too much for its own good? This seems to be suggested by the model's many critics. But even they for the most part have rather modified than completely refuted Duby's ideas. In particular works of revisionisms that were based on in-depth regional studies came to strikingly similar conclusions and converge in three principal points of critique of Duby's theses: firstly, that the passage to patrilinearity was less radical, secondly that it occurred later, and thirdly for different reasons than Duby had suggested. In what follows, I would like to comment further on each of these points.

First of all, historians relying on methods of social anthropology stress that kinship in Western Europe has at no point become truly patrilineal, but rather retained a clear bilateral emphasis at its basis.¹⁰ Thus, the ecclesiastic incest prohibitions extended equally to kin from the father's and the mother's side. This is graphically expressed in contemporary diagrams indicating the prohibited degrees of kinship, the so-called *arbores consanguinitatis*.¹¹ Such diagrams were read from the centre. Ascending, one found ancestors from the father's and the mother's side, descending descendants both of one's sons and daughters. The diagram's

⁹ G. DUBY, *Au XII^e siècle: Les «jeunes» dans la société aristocratique*, in: „Annales ESC“, 19, 1965, pp. 835-846.

¹⁰ B. JUSSEN, *Perspektiven der Verwandtschaftsforschung. Zwanzig Jahre nach Jack Goody's „Entwicklung von Ehe und Familie in Europa“*, in: *Die Familie in der Gesellschaft des Mittelalters*, ed. K.-H. SPIESS, Sigmaringen 2009 (in print); M. MITTERAUER, *Warum Europa? Mittelalterliche Grundlagen eines Sonderwegs*, München 2003, pp. 70-108; A. GUERREAU-JALABERT, R. LE JAN, J. MORSEL, *Familles et parentes. De l'histoire de la famille à l'anthropologie de la parenté*, in: *Les tendances actuelles de l'histoire du Moyen Âge en France et en Allemagne*, ed. J.-C. SCHMITT, O.G. OEXLE, Paris 2002, pp. 433-446.

¹¹ CH. KLAPISCH-ZUBER, *L'ombre des ancêtres: essai sur l'imaginaire médiéval de la parenté*, Paris 2000.

conspicuous symmetry virtually celebrates bilaterality. Medieval commentators of these diagrams repeatedly emphasized that they, for the sake of highlighting the equality of paternal and maternal kin, are drawn more complex than the mere demonstration of incest prohibitions strictly required. (Fig. 1) In contrast to the genealogical trees we are familiar with today, the diagrams stemming from before 1400 entirely refrain from organizing kinship along one main line and its ramifications. On the contrary, kinship was here presented as an extended network. If the diagrams were interpreted as something figurative at all, they were not seen as trees, but rather, as human bodies. Representations of particular kin-relations among specified people followed a similar pattern. A particularly expressive example is the famous diagram contained in a manuscript of the 13th century Royal Chronicle of Cologne that clearly emulates the model of the canon law *arbores consanguinitatis*. Here too, the emphasis is on the network-character of kinship, which is not in fact reduced to a linearity of father-son-dyads, but traces some of the most important relations between royal families through women.¹²

Furthermore, also in the secular sphere, terminologies of kinship, perceptions of kinship, and patterns of organizing kin relationships remained bilateral until about 1400. Admittedly, from the 12th century onward it was ever more often propagated and prescribed that royal fiefs and offices ought to be passed on undivided from fathers to their firstborn sons. But even where this was the case, both sons and daughters usually still had equal claims to their parents' allodial, freely salable, property.¹³

Even a cursory look at historical events in the period before 1400 provides evidence of this – as in the instance of the Habsburgs' conflicts in the *Vorlande*. Time and again such conflicts were in fact ignited by daughters' hereditary claims—even though the latter were often asserted by their husbands, brothers, or sons. As a rule, conflicts rarely escalated between brothers and sisters, but were rather deferred for half a generation, and broke out between opposing uncles or aunts and their nieces or nephews. Thus, the wars of the 1260s, which set Peter of Savoy against Rudolf of Habsburg (who later became King Rudolf) and were fought for sections of the Swiss Midlands, sprang from the conflict based on Margaretha of Savoy's inheritance; she was Peter of Savoy's sister and Rudolf of Habsburg's aunt.¹⁴ In the subsequent generation of Habsburgs, Johannes Parricida murdered his uncle King Albrecht near Königsfelden (Argovia, Switzerland), according to contemporary chroniclers, because the latter had withheld the lordly rights Johannes' late mother had received at her wedding.¹⁵ And as late as 1375, in the so-called Gugler War, Enguerrand VII of Coucy, the son of a Norman nobleman and the Habsburg Princess Katharina, invaded the area of contemporary Switzerland

¹² Cf. for good images and a comment: CH. KLAPISCH-ZUBER, *Stammbäume. Eine illustrierte Geschichte der Ahnenkunde*, München 2004, p. 25.

¹³ Cf. the literature quoted below.

¹⁴ B. ANDENMATTEN, *La maison de Savoie*, cit., pp. 115-119; J.-D. MOREROD, *Genèse d'une principauté épiscopale. La politique des évêques de Lausanne (IX^e-XIV^e siècle)*, Lausanne 2000 (Bibliothèque historique Vaudoise 116), pp. 281-284; J. STUTZ, *Schwäbisches und burgundisches Recht im Kampf um die Vormundschaft über Anna von Kyburg*, in: *Festschrift Friedrich Emil Welte*, Aarau 1937, pp. 1-27.

¹⁵ B. MEYER, *Studien zum habsburgischen Hausrecht I-IV*, in: "Zeitschrift für Schweizerische Geschichte", 25-27, 1945-1947 (1945) pp. 153-176.

with no less than 22,000 mercenaries, in order to drive home his claim for the Habsburg townships in Argovia, which his great-uncle Leopold I of Habsburg had bequeathed to his mother as collateral for a dowry that was never paid off.¹⁶ As in this specific case, daughters frequently failed to secure all their inheritance. Nevertheless, the actual fact that daughters had a genuine claim to an inheritance was never contested. Thus the transition to patrilineal structures was less radical than suggested by Duby.

A second modification of Duby's model that almost all new kinship studies call for, is concerned with its chronology. A growing number of recent microhistorical studies agree that even within a fundamentally bilateral kinship system, there emerged a trend towards patrilineal succession. However, they point out that this transition occurred much later than Duby had assumed. Even in the 12th and 13th century, the majority of noble groups in Western Europe still abided by inheritance regimes, according to which most property and lordly rights were divided among all daughters and sons. Consequently, after each death, lordships were at risk of being split and the splits remained available so that they could be re-joined by marriage. Only around 1400, and surprisingly simultaneously, the high nobilities in England and in the Rhineland, the small nobilities of both Thuringia and the Rhone Valley, began to exclude first daughters, then younger sons from succession to lordly rights.¹⁷ Thus lordly rights became increasingly stable, began to take on characteristics of statehood, and were ever more often passed on undivided from one generation to the next.

If patrilinearity spread only as late as the very end of the Middle Ages, we also need to revisit its causes. This is the third modification of Duby's model that many recent studies suggest. They no longer relate patrilinearity to the absence of state organization, but on the contrary, to its emergence. As long as sons and daughters could claim equal shares of their parents' inheritance, lordships and dominions remained unstable in a fairly fundamental sense. Modern constitutional historians have found this nightmarish. Yet this system worked out reasonably well in the

¹⁶ B. LANG, *Der Guglerkrieg. Ein Kapitel Dynastengeschichte im Vorfeld des Sempacherkrieges*, Freiburg i. Ue. 1982.

¹⁷ K.-H. SPIESS, *Familie und Verwandtschaft im deutschen Hochadel des Spätmittelalters. 13. bis Anfang des 16. Jahrhunderts*, Stuttgart 1993 (Vierteljahresschrift für Sozial- und Wirtschaftsgeschichte, Beihefte 111); J. MORSEL, *Geschlecht als Repräsentation. Beobachtungen zur Verwandtschaftskonstruktion im fränkischen Adel des späten Mittelalters*, in: *Die Repräsentation der Gruppen. Texte - Bilder - Objekte*, ed. O.G. OEXLE, A. V. HÜLSEN-ESCH, Göttingen 1998, pp. 259-325 (Veröffentlichungen des Max-Planck-Instituts für Geschichte 141); E.I. MINEO, *Nobiltà di stato. Famiglie e identità aristocratiche nel tardo medioevo. La Sicilia*, Roma 2001 (Storia e scienze sociali); J. MATHIEU, *Verwandtschaft als historischer Faktor. Schweizer Fallstudien und Trends, 1500-1900*, in: „Historische Anthropologie“, 10, 2002, p. 225-244; B. DEROUET, *Political Power, Inheritance, and Kinship Relations: The Unique Features of Southern France (Sixteenth-Eighteenth Centuries)*, in: *Kinship in Europe. Approaches to Long-Term Development (1300-1900)*, ed. D.W. SABEAN, S. TEUSCHER, J. MATHIEU, New York-Oxford 2007, pp. 105-124; D. SABEAN, D. WARREN, S. TEUSCHER, *A New Approach to Long-Term Development*, in: *Ibid.*, pp. 1-32; M. HOHKAMP, *Sisters, Aunts, and Cousins: Familial Architectures and the Political Field in Early Modern Europe*, in: *Ibid.*, pp. 91-104; T. RUIZ, *From Heaven to Earth. The Reordering of Castilian Society 1150-1350*, Princeton/N.J. 2004; J. ROGGE, *Herrschaftsweitergabe, Konfliktregelung und Familienorganisation im fürstlichen Hochadel. Das Beispiel der Wettiner von der Mitte des 13. bis zum Beginn des 16. Jahrhunderts*, Stuttgart 2002 (Monographien zur Geschichte des Mittelalters 49).

Middle Ages.¹⁸ In many ways, it did not reach its limits until the passage to the early modern period. Only then were the borders of dominions solidified and their administrative structures tightened so that they took on characteristics of modern statehood. Attempts to divide such complexes encountered resistance from magistrates, bailiffs, councilmen, and parliamentary assemblies. They wanted to preserve what they increasingly considered to be their principalities, their counties, and their lands.¹⁹ Also in the lower nobility, the implementation of patrilinearity was related to the consolidation of pre-modern state organization. What was passed on from fathers to firstborn sons here, was not principalities, but offices and fiefs princes had granted.²⁰

As Christiane Klapisch has shown, kinship diagrams in the form of actual family trees emerged only at this advanced stage in the spread of patrilinearity. Among the oldest examples is an illumination showing kin falling under incest prohibitions in a French law book from around 1470. The conventional kinship diagram is turned upside down to form the new arboreal representation. At the bottom, we no longer find descendants, but roots, a stem and the oldest generation, further up younger and younger ones.²¹ Subsequently representations of specific families following the same new pattern with its emphasis on linearity emerged. Particularly impressive is an arboreal representation of the Habsburg family from around 1490, with a compelling symbolism of stalks and buds. Man and woman sharing a bud, in cases of repeated marriages a man and several women, is the precondition for the germination of new stalks. (Fig. 2) However, these stalks do not link mothers, but only fathers with their children. The stalks that lead to sons break out of their fathers' hearts, while they hold the stalks leading to their daughters in their hands as these stalks have already been cut off from the stem. In this representation, kinship can only be perpetuated along lines between fathers and sons.

The emergence of such visions of kinship as a relationship conveyed only through men and male lines, was possibly facilitated by the growing influence of new ideas about conception. Medieval societies had long been dominated by ideas based on Galen's teaching, according to which embryos came about as the result of a fusion of male and female semen, two substances that were thought to be similar. From the 14th century onward, however, pseudo-Aristotelic texts that intimated a clear antecedence of male substance became increasingly widespread. These texts taught that the woman only provides amorphous matter, which received its

¹⁸ M. HOHKAMP, *Sisters*; cit., IDEM, *Transmission von Herrschaft und Verwandtschaft in der frühneuzeitlichen Fürstengesellschaft des Reichs (15. bis 18. Jahrhundert)*, unpublished Habilitationsschrift FU Berlin 2007.

¹⁹ C. NOLTE, *Der kranke Fürst. Vergleichende Beobachtungen zu Dynastie- und Herrschaftskrisen um 1500, ausgehend von den Landgrafen von Hessen*, in "Zeitschrift für historische Forschung", 27, 2000, pp. 1-36.

²⁰ J. MORSEL, *Geschlecht als Repräsentation. Beobachtungen zur Verwandtschaftskonstruktion im fränkischen Adel des späten Mittelalters*, in *Die Repräsentation der Gruppen. Texte - Bilder - Objekte*, O. G. OEXLE, A. V. HÜLSEN-ESCH eds., Göttingen 1998, pp. 259-325 (Veröffentlichungen des Max-Planck-Instituts für Geschichte 141); S. TEUSCHER, *Parenté, politique et comptabilité. Chroniques familiales du Sud de l'Allemagne et de la Suisse autour de 1500*, in "Annales HSS", 59, 2003, pp. 847-858.

²¹ CH. KLAPISCH-ZUBER, *L'ombre des ancêtres: essai sur l'imaginaire médiéval de la parenté*, Paris 2000.

individual shape primarily through the man's seed.²² To sum up, there is a lot to be said against the idea that patrilinear patterns were a archaic vestige of societies without state. On the contrary, patrilinearity in Western Europe became widespread only in the course of the late Middle Ages and in close connection with the emergence of state organization.

Preponderance of Dowry?

At the passage to the early modern period, patrilinear conceptions of kin organization were highlighted in official representations and acquired an almost constitutional status as prescriptions of how lordship should be passed from one generation to the next.²³ Even though the family trees made in this context suppress this, the system of kinship reckoning remained bilateral. So did property devolution. The prominently displayed patrilinear transmission of lordly rights went along with more discrete transfers of liquid assets through entirely different trajectories. In this second part, I will look at how daughters were involved in the processes of patrilineal devolution.

Up to the late 14th century, many noble groups in Europe north of the Alps abided by one or the other form of property regime, in which parents left a part of their property to their daughters when the latter got married. The groom often added an amount similar to the one his bride had received from her parents, and the total of these two transfers was considered the woman's property. These funds often consisted of several components with names that varied according to localities (dowry, trousseau, dower etc.) each of which was subject to specific, again highly local, rules about ownership, utilization and investment. But as a general rule, the husband had the formal right to administrate the bulk of his wife's property. So far it has hardly been examined – and it is not easy to examine – to what extent wives could exert an informal influence on the use of their funds. At any rate, they were supposed to have them at their own free disposal as soon as their husbands died. Up to the 14th century, the funds noble daughters received at their weddings (the bulk of which often is referred to as dowry) could include lordly rights, castles, seigneuries, or towns. Even though women had received such funds on marriage, they could, much like their brothers, claim an equal share of the parental estate, even though they usually had to subtract what they had already received before their parents' deaths. Historians of gender and of law have demonstrated that the changes occurring around 1400 affected not so much these legal norms as such, but practices of applying them. Ever more noblemen began to grant their daughters dowries and similar transfers only on condition that they "voluntarily" renounced to any additional shares of inheritance.²⁴ And, as a general trend, it became unusual

²² G. POMMATA, *Blood Ties and Semen Ties: Consanguinity and Agnation in Roman Law*, in *Gender, Kinship and Power*, M.J. MAYNES, B. SOLAND, U. STRASSER et al. eds., London 1996, pp. 43-64.

²³ S. TEUSCHER, *Politics of Kinship in the City of Bern at the End of the Middle Ages*, in *Kinship in Europe. Approaches to Long-Term Development (1300-1900)*, D.W. SABEAN, S. TEUSCHER, J. MATHIEU eds., New York-Oxford 2007, pp. 76-90.

²⁴ E. SPRING, *Law, Land, and Family: Aristocratic Inheritance in England, 1300-1800*, Chapel Hill-London 1993; K.-H. SPIESS, *Familie und Verwandtschaft*, cit., p. 331; J.-F. POUDRET, *Coutumes et coutumiers*.

that these transfers were granted in the form of lordly rights. Instead daughters received cash, rents, and certificates of debts. From around 1500 onward even daughters who had no brothers were more and more often excluded from succession to lordly rights. The latter were instead, in what was a particularly adamant application of principles of patrilinearity, passed on to the closest male in their father's kin.

While noble daughters were excluded from the succession to lordship, they tended to be promised growing and at times very large amounts of money. The case of Margaret of Savoy, mentioned in the introduction, was not unique. Truly unusual was the dowry and trousseau amounting to 400,000 ducats that Bianca Maria Sforza was supposed to bring into her marriage with Maximilian I. But also other families of the German high nobility exchanged considerable amounts of money: Duchess Sabina of Bavaria was promised a dowry of 32,000 Guilder, on condition that she renounced her parents inheritance,²⁵ and even the 20,000 given to Catherine of Baden must have been considered to be very substantial by contemporaries, especially given the notorious scarcity of cash in princely households. Economic historians who analyzed the size of dowries as indicators of noble families' pecuniary circumstances were at first surprised to find that the amounts noble daughters brought into their marriages grew around 1400.²⁶ One plausible explanation is that this was the price fathers paid to get daughters (and their husbands) to renounce their share of the parental inheritance for good. The basic rule from 1400 onwards seems now to have been that sons, and preferably the oldest son, received immovable property and daughters liquid assets. Thus, passing property undivided from fathers to sons seems to have been contingent upon new kinds of agreements between fathers and daughters.

The compensations a daughter received could take on many different forms and derive from different funds, but all tended to burden the lordship that was passed on along patriline. If fathers opted for paying the dowry all at once, they often had to take loans on their lordship, and if they decided to pay a daughter an annuity, it was similar to borrowing on mortgage. To give an idea of how such liabilities might have been experienced by main heirs, it seems appropriate to quote a statement by a noble *Gutsherr* from Mecklenburg. Although from the 18th century, it was made with reference to an inheritance regime that was still very similar. He said that inheriting from his father had made him less a lord, and more like a tenant of his mathers²⁷.

Histoire comparative des droits des pays romands du XIII^{ème} à la fin du XV^{ème} siècle, Bern 1998, 3, pp. 118-127, 141; M.-A. VALAZZA TRICARICO, *Le régime des biens entre époux dans les pays romands au Moyen Âge: comparaison des droits vandois, genevois, fribourgeois et neuchâtelois (XIII^e-XV^e siècle)*, Lausanne 1994 (Mémoires et documents publiés par la Société d'Histoire de la Suisse Romande. 4^{ème} série 2), p. 99.

²⁵ F. SAUTER, *Herzogin Sabine von Württemberg*, in "Zeitschrift für württembergische Landesgeschichte", 8, 1944/48, pp. 298-355.

²⁶ M. BITTMANN, *Kreditwirtschaft und Finanzierungsmethoden. Studien zu den wirtschaftlichen Verhältnissen des Adels im westlichen Bodenseeraum*, Stuttgart 1991 (Vierteljahresschrift für Sozial- und Wirtschaftsgeschichte, Beiheft 99), p. 237.

²⁷ A. LUBINSKI, *Ländliches Kreditwesen und Gutsherrschaft - Zur Verschuldung des Adels in Mecklenburg-Strelitz im 18. Jahrhundert*, in *Gutsherrschaftsgesellschaften im europäischen Vergleich*, ed. V. PETERS, Berlin 1997, p. 156.

It seems that many noble families in the 15th century aimed at keeping their lordship together, while dividing its returns. Such inheritance arrangements can be seen as a simplified variety of the *fidei commis* appearing at around the same time in Southern Europe – but only decades later in the North. The *fidei commis* allowed for passing on an estate undivided over several generations, while its profit could be distributed, if necessary according to a complicated plan.²⁸ While an estate in a *fidei commis* became collective property, families of the North charged the so-called sole heirs with providing liquid compensations for their siblings.

The substantial compensation of “excluded” siblings has to be set in relation to the considerable debts the main inheritors had to serve. In doing so, it is tempting to ask if ultimately several siblings, in practice, collected comparable shares of profit from assets, which had, in theory, only been inherited by one of them. It seems not entirely inconceivable that a sister received interest on her dowry credits that came close to the amount left to her solely inheriting brother after the deduction of such interests from the profit of his inheritance. At any rate, it would be interesting to examine well-documented individual cases to determine just how unequal “unequal inheritance” really was when it came to net incomes each of a group of siblings received from their parents’ estate.

Towards the end of the Middle Ages, some of the most intense clashes among noblemen were in fact no longer directly about rights of lordship but about the liquid assets these had generated. A rather grotesque example of such a quarrel was the one carried out in the Royal Court by Duke Rudolf of Habsburg-Laufenburg and Baron Bruno of Rappoltstein, shortly before 1400. Rappoltstein had promised to marry his orphaned niece Herzelande to the Habsburg’s son Johannes. After a while, however, Rappoltstein realized that he was not able to raise the dowry agreed upon.²⁹ In this situation he accepted the surprise offer of another nobleman who wanted to take Herzelande in marriage, while offering not only to renounce any instant payment from her family, but also to advance her dowry himself. Rappoltstein accepted this offer for his niece, even though he had already officially wed her to Johannes of Habsburg. The Habsburg, thus cheated out of both bride and dowry, accused Rappoltstein in court of having practically auctioned off the young woman. Rappoltstein tried to save his hide by means of rather bizarre argumentation, claiming that the marriage with the Habsburg could not have been consummated because the latter “was not attracted to women.” He maintained that Johannes had been taken to Strasbourg, to be treated by “the best doctor available there, who would have liked to make him a thing and in a bath had hung much lead on his thing, well 50 pounds of weight, and had poulticed him, and yet all to no avail.”³⁰ However, the court remained unconvinced, and an imperial ban was pronounced on Rappoltstein.

Such desperate attempts at sneaking out of dowry debts were certainly exceptional. It was, however, common to pay compensations in small, at times

²⁸ P. WEIMAR et al., *Fideikomiss*, in LexMA, 4, col. 431-433. Cf. J.M. AUGUSTIN, *Les substitutions fideicommissaires à Toulouse et en Haut-Languedoc au XVIII^e siècle*, Paris 1980.

²⁹ CH.H. BRUNNER, *Zur Geschichte der Grafen von Habsburg-Laufenburg. Aspekte einer süddeutschen Dynastie im späten Mittelalter*, Samedan 1969, pp. 121s.

³⁰ *Rappoltsteiner Urkundenbuch 759-1500*, ed. K. ALBRECHT, Colmar 1892, 2, p. 147, no. 157a.

extremely small instalments and to delay these for long, at times very long periods.³¹ However, debts, even more so than paid amounts, constitute dependencies and relationships. Debts made it was necessary to beg for delays, to negotiate rents and rates or to keep creditors happy with gifts and political compliance.³²

It is worth taking a closer look at some examples of the kinds of relationships the circulation (or the non-circulation) of liquid assets entailed. When a sole heir had to compensate his sister or daughter, the obvious solution was to turn to the liquid assets his wife had received from her family. Yet, it was probably the rule rather than the exception that such payments were delayed, which in turn could entail financial dependencies among several dynasties. Karl Heinz Spiess has described an early, particularly transparent and exemplary instance. (Fig. 3) When Agnes of Sponheim got married to Heinrich von Veldenz in 1333, she was promised a dowry by her father, Count Simon, and her brother Walram of Sponheim. Lacking liquid assets, the two men were unable to pay the promised amount and hence pledged to pay her in yearly installments. They did not, however, keep this promise either. This was mainly due to the fact that Walram of Sponheim and his wife, Elisabeth, had in turn difficulty collecting Elizabeth's dowry from her family of origin. When she had got married three years earlier, Elisabeth's father, Count Wilhelm of Katzenelnbogen had owed her 4000 Guilders of her dowry. Shortly before his death in 1331 he made a down payment of 2000 Guilders. However, his successor and Elisabeth's brother, Wilhelm II, delayed further payment beyond the year 1333, just at the time when Walram would have badly needed the money to compensate his sister Agnes.³³ To prevent such chains of debts from causing escalating conflicts, families were forced, however grudgingly, to cooperate to some extent.

Many noblemen systematically used outstanding – and therefore in some sense liquid capital to provide their daughters with dowries. When count Rudolf III von Hohenberg, sold part of his territory in the Rottenburg area to the mighty Duke Leopold of Habsburg, the latter did not fully pay what he owed to the seller. Hohenberg thus had a positive credit balance with the Habsburgs that he passed on to his daughter as a dowry and trousseau when she got married to Margrave Bernhard of Baden. After her first husband's death, Margreth brought these rather doubtful liquid assets with her into her second marriage with Count Hermann of Sulz. This constellation gave rise to successive conflicts between the Baden and Sulz families and then between an alliance of both of them against the Habsburgs.³⁴

Such situations did not need to last very long before the first persons involved died, so that their claims were passed on to the next generation. Thus obligations between brothers and sisters became binding for uncles or aunts and their nephews or nieces. (Fig. 4) These constellations mark the zone where the boundaries of

³¹ M.-A. VALAZZA TRICARICO, *Le régime*, cit., pp. 78-79; J.-F. POUDRET, *Contumes*, cit., 3, pp. 124f.; M. BITTMANN, *Kreditwirtschaft*, cit., p. 244.

³² C. LIPP, *Aspekte der mikrohistorischen und kulturanthropologischen Kreditforschung*, in: *Zur sozialen Praxis des Kredits*, ed. J. SCHLUMBOHM, Göttingen 2006, pp. 15-36.

³³ K.-H. SPIESS, *Familie und Verwandtschaft*, p. 167.

³⁴ P.R. MATHE, *Österreich contra Sulz 1412. Verwaltung und Politik im Aargau unter Landvogt Graf Hermann von Sulz und der Streit um das Laufener Erbe*, in "Argovia", 99, 1987, pp. 5-39, here p. 7

households are transgressed, where agreements between siblings, who in the meantime have children themselves, begin to govern relationships between several families, so that the dynamics of a nuclear family are devolved to entire networks of kin. In this stage conflicts often escalated around two basic constellations that are also frequent motives of popular culture: On the one hand, the rich aunt, the father's sister who accumulated liquid assets. On the other hand, the evil uncle, the mother's brother, who never fully paid her compensation. As far as this kind of schematic representations are of any use at all, one could maybe complement the linearity of dynastic father-son-successions by the skew geometry of aunt/uncle-niece/nephew relationships, which tended to form a pivot of relations between dynasties.

A good example of this is the story about the large amount owed to Margaret of Savoy and her husband. As mentioned in the introduction, Margaret's brother Louis had to fall back on his silverware just to pay the first installment of his sister's dowry and trousseau. It comes as no surprise that the successive installments were delayed. In order to find enough money to make one of the payments, Louis had to give in pledge an entire Savoyard district, the Châtellanie of Cudrefin on the shores of Lake Neuchâtel. Luckily he could redeem the district a few years later thanks to the help of his wife, who, after decades of waiting, had finally received another installment of her dowry from her family of origin. In successive years, Louis kept sending payments to the Palatinate. But he was far from having paid off his debt when his sister died 34 years after her wedding. From that moment onward Margaret's son took over the task of quarreling with his mother's brother, i.e. in the classic constellations against an "evil uncle".³⁵

Some noblemen had rather spooky encounters with their family's past, when they were confronted with claims to dowries their grandfathers had failed to pay. In 1536, Ottheinrich of the Palatinate traveled from one court to the next to gain support for a claim he finally presented to the King of Poland. (Fig. 5) He claimed 32,000 ducats of dowry that Polish King Casimir IV had promised his daughter Hedewig or Jadwiga – Ottheinrich's grandmother 60 years earlier, in the year 1475, when Hedwig got married to George the Rich of Bavaria. Hedwig had passed on her claim to her daughter Margreth, who had also died without being able to collect her assets from her mother's brother. She was the proverbial rich aunt of Ottheinrich and bequeathed the old claim to her nephew. The latter could eventually collect the dowry, but had to forego the interests accrued throughout the preceding sixty years.³⁶

Examples like this one demonstrate several things. The compensation of noble daughters could extend over several generations. Moreover, achieving this required peculiar forms of co-operation and conflict management within and among families. Real estate property always needs to be balanced in one way or the other with liquid assets. It is conceivable that the nobilities north of the Alps at the end

³⁵ E. CORNAZ, *Le mariage palatin*, cit., pp. 75-78.

³⁶ J.H. BILLER, *Zur Entstehung der Ansichtenfolge*, in: *Die Reisebilder Pfalzgraf Ottheinrichs aus den Jahren 1536/37: von seinem Ritt von Neuburg a. d. Donau über Prag nach Krakau und zurück über Breslau, Berlin, Wittenberg und Leipzig nach Neuburg*, ed. A. MARSCH, J.H. BILLER et al., I-II, Weissenhorn 2001, p. 43-62, here pp. 48-53.

of the Middle Ages increasingly organized this interdependence in terms of a relationship between male and female inheritance.

In reference to the view that the flows of goods were differentiated by gender, one could object that younger sons did not fare differently than daughters. Between the 15th and the 17th century, younger sons, too, were ever more often excluded from succession to lordly rights and compensated with liquid assets. But excluded men frequently remained single, so that their assets fell back to their families of origin after death. There was comparatively more regularity and continuity to the interdependences between firstborn brothers who succeeded to the estates of their fathers and their marrying sisters or, in the next generation, between aunts and uncles and their nieces and nephews. There is evidence to suggest that the linear transmission of estates from fathers to sons was just the most conspicuous aspect of intergenerational property devolution in the late medieval nobility. In the background, there was a low profile, but no less important, exchange of liquid assets and credits between patriline.

Perspectives for future research

To conclude, I shall summarize three principal findings of the preceding discussion and subsequently suggest some questions for future research into late medieval nobilities. The results of this paper, include – contrary to still widely held beliefs – that patrilineal structures of family organization are not a characteristic feature of archaic or traditional societies without states. As far as European nobilities are concerned, patrilineal patterns of succession only became widespread towards the end of the Middle Ages – and in close connection to intensified state-building. Secondly, against the background of the persistence of bilateral conceptions of kinship, there were hardly any intentions to implement patrilinear patterns of succession intransigently. Fathers who wanted to leave their lordships undivided and to pass them on to their sons were supposed to compensate their daughters with cash. As a result, the consolidation of patrilinear axes of succession went along with attempts to generate liquid assets that circulated between patriline. Thirdly, systematic inquiries into such circulations allow for the discussion of late medieval nobilities not only with regard to property and lordship, but also to raise new questions about income, supply, and credit. These fields came with their own sets of constraints and interdependences.

In order to generate liquid assets, noblemen not only renounced silver swans and crowns, but also engaged in personal relationships and dependencies that constitute a wide and still little explored field of examination. A great many manners in which noblemen engaged in relationships with each other, down to the travels of Ottheinrich of the Palatinate, were intimately connected with the management of dowry debts. A closer look at practices of negotiating dowries, dowry debts and female claims to inheritance could shed new light on interdependencies between noble dynasties. I would like to point to just a few fields that might prove to be worth closer examination. These include the role of women

in the maintenance of kin networks, marriage practices, and the relationships between great territorial lords and their minor nobilities.

Recent studies dealing with the role of women in the maintenance of kin-networks, in particular during the early modern period, have pointed to the importance of relationships between aunts and nieces. This is manifested, among other things, by the active and important role many aunts assumed as their nieces' matchmakers.³⁷ Michaela Hohkamp in her work on the German high nobility has given particularly vivid descriptions of how aunts suggested suitable matches for their nieces and initiated negotiations between families. Hohkamp argues convincingly, that this was in part due exactly to the consolidation of inheritance along patterns of patrilinearity and primogeniture in the course of the early modern period.³⁸ The emergence of these patterns provided women, especially in their role as sisters of main heirs, with new and maybe even particularly powerful missions as intermediaries between dynasties. One might speculate that this mediating position was not solely based on the fact that women themselves were largely excluded from rights to succession and so to say, neutral. Of similar importance might have been the assets they were due in compensation and the interdependencies constituted by outstanding payments. Was the power of the aunts in the domain of matchmaking due to the fact that they were rich aunts who disposed of the liquid assets their nieces needed for their dowries? Or to express this with the usual delays of payment in mind: because an aunt – with her husband's consent – could renounce payments she was owed by her brother (the niece's father) in favor of that niece?

A number of marriage patterns would also deserve to be reconsidered from the perspective of how families dealt with dowries and dowry debts. From the 15th century onward, repeated marriage alliances between the same families seem to have become more frequent. French historians in particular, have interpreted this as the expression of an ongoing exchange of women according to anthropological models. One basic pattern is most famously represented by the marriage of a son and a daughter of King Ferdinand of Spain with a daughter and a son of Maximilian of Austria. Another pattern can also be illustrated by an example from the high nobility. (Fig. 6) The Savoy, through a marriage with Yolande, received a woman from the Valois, who returned a woman in the person of Charlotte.³⁹ If we take the flow of dowries into consideration, we can interpret the same alliances as attempts to set dowries off against each other, so that neither party needed to produce them in cash. This seems fairly obvious in the case of exchanges in a rhythm of a few years. But given the longevity of dowry debts, to offset a dowry owed, may even have been the motivation for arranging a marriage after one, two, or even three generations.

In order to administrate the payments of dowries, noblemen had to activate networks that extended far beyond their immediate kin. Many extant marriage

³⁷ M. HOHKAMP, *Sisters*; cit.; S. RUPPEL, *Rivalen*, cit., pp. 207-209.

³⁸ M. HOHKAMP, *Sisters*, cit.

³⁹ E.g. G. DELILLE, *Famille et propriété dans le royaume de Naples (XV^e-XIX^e siècle)*, Rom 1985 (Bibliothèque de l'école française de Rome, 259); IDEM, *Echanges matrimoniaux entre lignées alternées et système européen de l'alliance: un premier approche*, in *En substances. Textes pour Françoise Héritier*, ed. J.-L. JAMARD, E. TERRAY, M. XANTHAKOU, Paris 2000, pp. 219-252.

contracts indicate persons who were not related to either of the two future spouses, acting as mediators of the financial arrangements involved in a marriage: Contracts had to be kept in their archive chests, instalments of dowries had to be deposited in their castles, and they were capable of enforcing belated payments with their knights.⁴⁰ When princes made debts for dowries, their noble followers often had to serve as bondsmen for them.⁴¹ At one point when Margaret of Savoy, to return to our initial example, had been waiting for a long time for an installment from her brother she asked her brother's bondsmen to assume their duty: they had to spend weeks in the so called *gisselhafi*, a light form of detention in which they had to stay until the Prince had paid the amount they had assumed liability for. In practice, this implied that inns and taverns in the city of Berne accommodated droves of minor Savoyard noblemen who served time as prisoners of a superior kind, enjoying lush meals and fine, imported wines – of course at the expense of the debtor, Louis of Savoy.⁴² It would be interesting to know more about the impact of such idiosyncratic forms of sociability on the relationship between noblemen and their prince.

Finally, daughters' large dowries may also have become a pivotal point in the relationship between the smaller nobility and the great territorial princes. Princes developed new methods of financing territorial power structures exactly at the period when noblemen began to provide their daughters with large dowries. From 1400 on, even smaller noblemen began to give loans to princes. Noblemen thus financed the establishment of princely administrative and military structures, while they participated in the princes' increasing tax returns through the interests on their loans. As Bittmann and others have established the money noblemen invested in this way often came from their wives' dowries.⁴³ One might therefore even speculate that funding of early statehood was also contingent on the availability of the liquid assets noblemen generated to compensate their daughters and sisters.

I would like to close with these examples. They all demonstrate that a closer look at the circulation of liquid assets may open new perspectives on family organization in the nobility. The examples, moreover, suggest that there is no contradiction between two developments at the end of the Middle Ages, namely that members of the nobility disposed of more and more liquid assets on the one hand, and that their estates became increasingly stable, indivisible elements of a state organization on the other. In the gender logic of noble families these two developments were interrelated. While undivided, patrilineal succession to estates established stability, liquidity had to be generated in order to compensate the daughters (and their husbands) who no longer received parts of the parental estate. Historians have long been focusing primarily on the patrilineal transmission of estates. Yet, just as interesting are the flows of liquid assets that criss-crossed

⁴⁰ Z.B. *Rappoltsteiner Urkundenbuch*, cit., 3, pp. 82-85, no. 105.

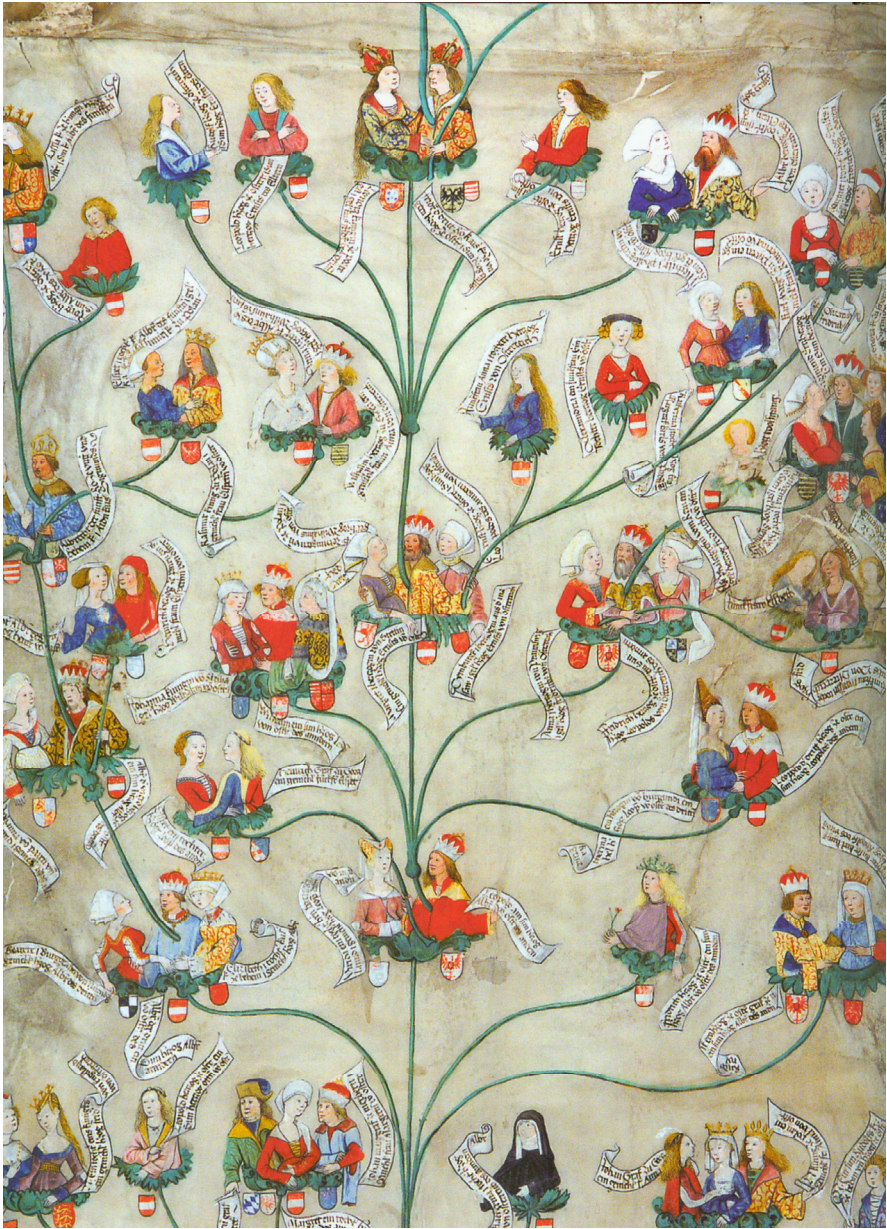
⁴¹ J.-F. POUDRET, *Coutumes*, cit., 3, pp. 127-137; many examples are to be found in P. WALLISER, *Das Bürgschaftsrecht in historischer Sicht, dargestellt im Zusammenhang mit der Entwicklung des Schuldrechts in den Schweizer Kantonen Waadt, Bern und Solothurn bis zum 19. Jh.*, Basel 1974.

⁴² E. CORNAZ, *Le mariage palatin*, cit., pp. 54-61.

⁴³ M. BITTMANN, *Kreditwirtschaft*, cit., D. SCHELER, *Rendite und Repräsentation. Der Adel als Landstand und landesherrlicher Gläubiger in Jülich und Berg im Spätmittelalter*, in "Rheinische Vierteljahrsblätter", 58, 1994, pp. 121-132, here p. 125.

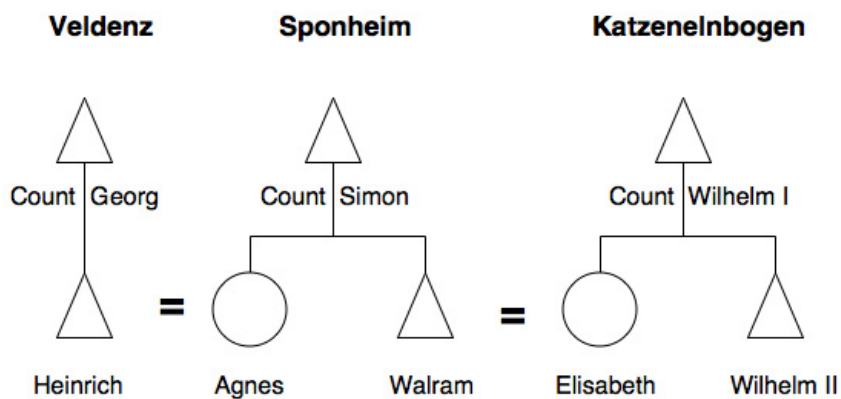
between patriline. Examining the latter allows for systematic approaches to a noble economy that was not only about estates, but also about credit, not only about lordship, but also about supply, and that was sustained by women as much as men.

Fig. 2. Habsburg Genealogy



(Detail): Painting on parchment, before 1494, © München, Bayerisches Nationalmuseum, NN 1002

Fig. 3. Owed Dowries



According to K.-H. SPIESS, *Familie und Verwandtschaft im deutschen Hochadel des Spätmittelalters. 13. bis Anfang des 16. Jahrhunderts*, Stuttgart 1993.

Fig. 4. Basic Constellations

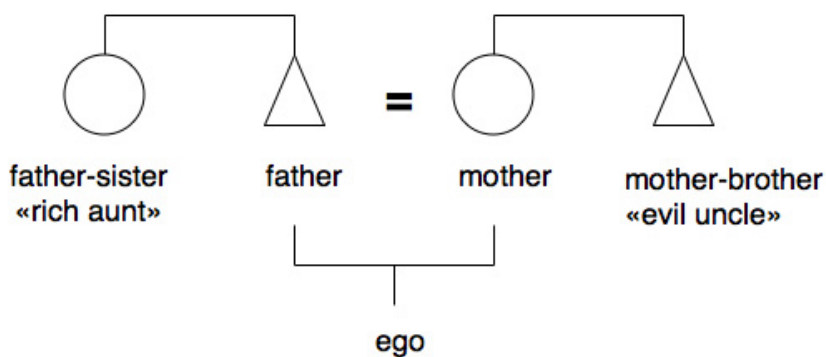
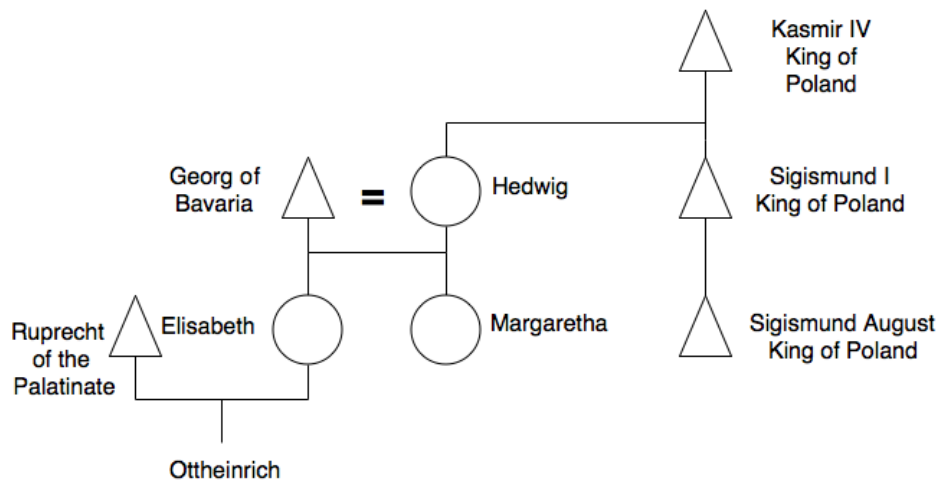
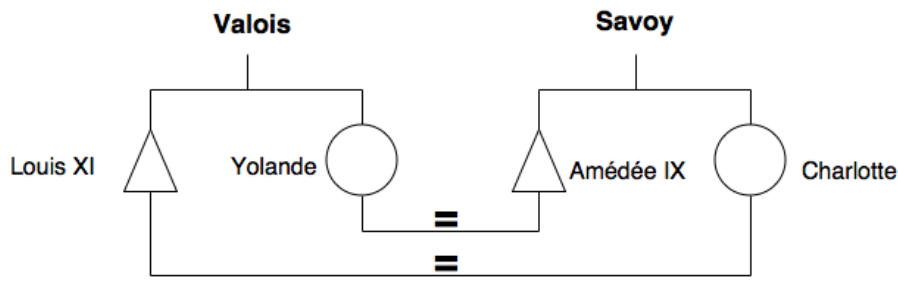


Fig. 5. Ottheinrichs Claim



According to *Die Reisebilder Pfalzgraf Ottheinrichs aus den Jahren 1536/37*, ed. A. MARSCH, J.H. BILLER et al., I-II, Weissenhorn 2001

Fig. 6. Exchange of Women



According to P. LAMAISSON, *Les enjeux de l'alliance*, in P. BONTE, *Eponser au plus proche: inceste, prohibitions et stratégies matrimoniales autour de la Méditerranée*, Paris 1994.